

ATTN: State of Connecticut General Assembly

Raised Bill No. 5408: AN ACT CONCERNING THE PRESENTATION OF A CARRY PERMIT.

Raised Bill No. 5409: AN ACT CONCERNING APPLICATION REQUIREMENTS FOR A TEMPORARY STATE PERMIT TO CARRY A PISTOL OR A REVOLVER.

Good Afternoon all,

My name is David Ortiz, I am here in opposition to HB 5408 concerning the presentation of a carry permit and in support of HB 5409 concerning application requirements for a temporary state permit to carry pistols and revolvers.

I was issued a Connecticut State Permit to Carry Pistols and Revolvers back in August of 2013 and I have been legally purchasing and carrying firearms on my persons since. I am opposed to creating a law which will allow law enforcement to detain any individual, request papers (i.e. Connecticut State Permit to Carry Pistols and Revolver), and which would lead to a search and seizer and or arrest of any persons without probable cause of a crime having been committed. This is not only my opinion but that of the United States Supreme Courts whom in the Supreme Courts Dissent to the case of Terry vs Ohio (1968) stated, *"This Court has always used the language of "probable cause" in determining the constitutionality of an arrest without a warrant. See, e.g., Carroll v. United States, [267 U.S. 132](#), 156, 161-162; Johnson v. United States, [333 U.S. 10](#), 13-15; McDonald v. United States, [335 U.S. 451](#), 455-456; Henry v. United States, [361 U.S. 98](#); Wong Sun v. United States, [371 U.S. 471](#), 479-484.*

The Supreme Courts dissent of the case goes on to state, *"These long-prevailing standards [for probable cause] seek to safeguard citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime...The rule of probable cause is a practical, nontechnical conception affording the best compromise that has been found for*

*accommodating these often opposing interests. Requiring more would unduly hamper law enforcement. To allow less would be to leave law-abiding citizens at the mercy of the officers' whim or caprice.*" The Supreme Court's dissent goes on to state, *"To give power to the police to seize a person on some grounds different from or less than "probable cause" would be handing them more authority than could be exercised by a magistrate in issuing a warrant to seize a person. As we stated in Wong Sun v. United States, [371 U.S. 471](#), with respect to requirements for arrests without warrants:*". You see, according to the U.S. Supreme Court law enforcement do not have the right to detain and search or seize an individual and their persons without reasonable suspicion that a crime was committed.

According to the Constitution of the State of Connecticut, Article I Section 7, "The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation". Requesting and subjecting the public to present papers, such as proof of possessing a Connecticut State Permit to Carry Pistols and Revolvers without reasonable suspicion of a crime having been committed would be unreasonable and would violate individual's rights to privacy under the Fourth Amendment. According to the Fourth Amendment of the United States Constitution it affirms, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." This Amendment not only protects your Right to privacy but also guarantees freedom from arbitrary governmental intrusions such as what H.B. 5408 has proposed. Therefore, by

removing the fact that law enforcement must have “reasonable suspicion of a crime” from the current Connecticut General Statute, law enforcement will be doing exactly what the case of Terry vs Ohio, The Constitution of the State of Connecticut, and the U.S. Constitution describe as unreasonable and unconstitutional.

Truthfully,

*David Ortiz*

3/3/2016